UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,174	12/27/2000	Liisa Kanniainen	557.302US01	4935

7590   02/26/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
3621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 January 2007</u>.

2a)☐ This action is **FINAL**.　　　　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-63</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>41-50</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40 and 51-63</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on January 23, 2007 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 2, 3, 6-9, 11, 13, 14, 16-22, 25, 26, 28-32, 34-38, 40, 51-60 are rejected under

35 U.S.C. 102(b) as being anticipated by US Patent No. 5794207 to Walker et al.

Referring to claim 1, Walker et al. disclose a trusted server (i.e. central controller), the

trusted server prepares a contract for a transaction between a merchant system and a buyer

system (col. 16, lines 63-67 & col. 17, lines 1-5 – the central controller creates the complete

CPO), sends the prepared contract to the merchant system (see col. 9, lines 5-8) then sends the

prepared contract to the buyer system for acceptance by a user of the buyer system (see col. 9,

lines 45-50 –the central controller sends the CPO to the buyer for acceptance) and returns the

accepted contract to the merchant system wherein the merchant system initiates the transaction

based upon the accepted contract (see col. 23, lines 10-18), wherein the trusted server is an

impartial intermediary for implementation of the contract between the merchant system and the

buyer system, and a charging engine (i.e. the central controller) for calculating a charge to be

paid to the merchant system by the user (see col. 21, lines 27-30 & col. 20, lines 22-25).

Referring to claims 2 and 37, Walker et al. disclose the trusted server identifies whether

the merchant system has modified the contract (see col. 22, lines 65 & 66 – the central controller

sets the status to active).

Referring to claim 3, Walker et al. disclose the trusted server finalizes the contract (see

claim 1 above and col. 19, lines 61-67 – the central controller finalizes the contract and changes

the status to "completed").

Referring to claims 6-8 and 34-36, Walker et al. disclose the charge is for product and the

product comprises at least a portion of the content source, the content source comprises a

document, and wherein the content comprises a multimedia object (see col. 20, lines 31-37).

Referring to claims 9 and 38, Walker et al. disclose the buyer system comprises a mobile

terminal (see col. 14, lines 53-65 – a pager).

Referring to claims 11 and 40, Walker et al. disclose the buyer system comprises a

computer system coupled to the Internet (see col. 11, lines 53-59).

Referring to claims 13 and 25, Walker et al. disclose the trusted server receives payment

from the buyer system, confirms payment by the buyer system and prevents non-repudiation of

the transaction by the buyer system (see claim 1 above).

Referring to claim 14 and 26, Walker et al. disclose the charging engine receives

charging data representing billing information from the merchant system and transfers a charge

amount to the buyer system for payment by the buyer system (see col. 22, lines 53—67 & col.

23, lines 1-19 – the central controller submits the received counteroffer, which includes billing information, to the buyer).

Referring to claims 16 and 28, Walker et al. disclose the trusted server receives payment from the buyer system based upon the charge amount sent to the buyer system, confirms payment by the buyer system and signals to the merchant system that payment has been made (see claim 14 above).

Referring to claims 17 –20 and 29 -32, Walker et al. disclose the trusted server provides authentication for the transaction the buyer system, wherein authentication for the transaction comprises authentication of the product and the merchant system; wherein the system comprises a financial compensation system (i.e. central controller), the financial compensation system providing financial transaction support to the buyer system and the merchant system for the transaction (see claim 1 above).

Claims 21 and 22 are rejected on the same rationale as claim 1 above.

Referring to claim 51, Walker et al. disclose the charging engine processes the charging data in response to a single event occurring in accordance with the transaction (see claim 12 of Walker et al., when the acceptance from a seller is received, the payment is process).

Referring to claim 52, Walker et al. disclose the charging engine processes the charging data in response to multiple events occurring in accordance with the transaction (see col. 22, lines 53—67 & col. 23, lines 1-19 – the seller sends a counteroffer, then it is accepted by the buyer, the payment is process).

Referring to claim 53, Walker et al. disclose the charging engine processes the charging data to cause the payment to be made in multiple increments (see col. 22, lines 34-38).

Referring to claim 54, Walker et al. disclose the multiple increments respectively correspond to multiple events, each of the multiple events occurring in accordance with the transaction (see claim 52 & 43 above).

Referring to claim 55, Walker et al. disclose the buyer system is adapted to terminate at least a portion of the multiple events and cause the charging system to cease processing of the charging data (see claim 54 above – if the buyer does not accept the counteroffer the charging process is terminated).

Referring to claims 56-58, Walker et al. disclose terminating further buying of the merchant offerings after processing the charging data (see claim 54 above – once the offer is accepted the transaction is terminated.). The system where the buyer/merchant/charging system is adapted to cease further buying of the merchant offerings after the charging system has processed the charging data for other of the merchant offerings is inherent. That is, after processing the data "further buying" is automatically ceased for each transaction.

Referring to claim 59, Walker et al. disclose the charging system terminates further buying of the merchant offerings in response to the command received from the buyer system (see claim 57 above – once the buyer accepts the counteroffer the transaction is completed).

Claims 60 and 61 are rejected on the same rationale as claim 1 above.

Referring to claims 62 and 63, Walker et al. disclose the system wherein the trusted server is configured to validate a buyer signature associated with the accepted contract and manage modification of contract terms (see claim 60 above).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 4, 5, 10, 12, 15, 23, 24, 27, 33, 39, 51 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Walker et al. as applied to claims 1, 21, 22 and 38 above, and further in

view of US Publication No. 2002/0013774 to Morimoto.

Referring to claims 4 and 33, Walker et al. disclose the merchant system (see claim 1

above). Walker et al. do not expressly disclose the merchant system comprises a web server.

Morimoto et al. disclose a merchant system that comprises a web server (see paragraph [0039]).

At the time the invention was made, it would have been obvious to a person of ordinary skill in

the art to modify the system disclose by Walker et al. to include a web server. One of ordinary

skill in the art would have been motivated to do this because allows the merchant and user to

perform transactions remotely.

Referring to claims 5 and 24, Walker et al. disclose an interface between the merchant

system and the buyer system (see claim 1 above). Walker et al. do not expressly disclose the

interface including a Wireless Application Protocol (WAP) server for the buyer system

supporting WAP connection. Morimoto discloses an interface between the merchant and the

buyer system including a WAP server for the buyer system supporting WAP connection (see

paragraph [0066]). Notice, Morimoto discloses utilizing wireless devices for the negotiation

process, which suggests that the interface may be a WAP server for WAP connection. At the

time the invention was made, it would have been obvious to a person of ordinary skill in the art

to modify the system disclose by Walker et al. include a WAP server for the buyer system

supporting WAP connection. One of ordinary skill in the art would have been motivated to do

this it supports mobile transactions.

Referring to claims 10 and 39, Walker et al. disclose the buyer system comprises a

mobile terminal. Walker et al. do not expressly disclose the system wherein the mobile terminal

comprises a web-enabled mobile phone. Morimoto discloses the buyer system comprises a

mobile terminal, wherein the mobile terminal comprises a web-enabled mobile phone (see

paragraph [0066]). At the time the invention was made, it would have been obvious to a person

of ordinary skill in the art to modify the system disclose by Walker et al. to include a mobile

terminal. One of ordinary skill in the art would have been motivated to do this because it allows

the buyer to communicate with the merchant in various locations.

Referring to claims 12 and 23, Walker et al. disclose the buyer system and the merchant

system. Walker et al. do not expressly disclose a World Wide Web interface, the World Wide

Web interface interfacing the buyer system and the merchant system. Morimoto discloses a

World Wide Web interface, the World Wide Web interface interfacing the buyer system and the

merchant system (see paragraph [0038]). At the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to modify the system disclose by Walker et

al. to include a World Wide Web interface. One of ordinary skill in the art would have been

motivated to do this because it provides means for electronic commerce.

Referring to claims 15 and 27, Walker et al. disclose the chagrining data (see claim 14

above). Walker et al. do not expressly disclose the charging engine converts the received

charging data into another form ready to be transferred to the buyer system. Morimoto discloses

the charging engine converts the received charging data into another form ready to be transferred

to the buyer system (see paragraph [059]). At the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to modify the system disclose by Walker et

al. to allow the charging engine to convert the received charging data into another form ready to

be transferred to the buyer system. One of ordinary skill in the art would have been motivated to
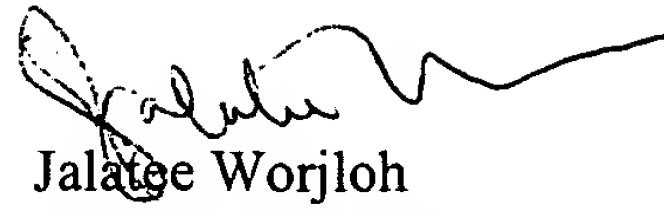
do this because it is flexible.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The

examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300 for Regular/After

Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jalatee Worjloh
Primary Examiner
Art Unit 3621

February 16, 2007